

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

WESTERN District of TEXAS

United States of America

v.

Eric Scott McCants

Case No. SA-21-MJ-00915

Defendant(s)

FILED
AUG 13 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 23, 2021 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2251(a)

Production of Child Pornography

Maximum Possible Penalties: 2251(a): 15-30 years imprisonment,
 \$250,000 fine, lifetime SR, \$100 mandatory SA, Restitution; Forfeiture;
 Sex Offender Registration; \$5,000 pursuant to JVT A; and up to \$50,000
 pursuant to 18 USC 2259A.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*David Rodriguez*

Complainant's signature

David Rodriguez, FBI Special Agent

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date:

8/13/2021City and state: San Antonio, Texas*[Signature]*

Judge's signature

Honorable Henry J. Bemporad, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David Rodriguez, being duly sworn, depose and say that:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since January 2008. I am currently assigned to the San Antonio Division of the FBI. I am assigned to the Violent Crimes against Children Section and as such, I investigate crimes against children, including the trafficking and possession of child pornography. I have received training in the investigation of computer-related crimes. I have been involved in numerous investigations of individuals suspected of producing, distributing and receiving child pornography and have participated in the execution of numerous search warrants which have resulted in the seizure of multiple items of child pornography.

2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

3. This affidavit is being submitted in support of a Criminal Complaint for **ERIC SCOTT MCCANTS**.

4. The factual information supplied in this affidavit is based upon your Affiant's own investigation of this matter, as well as information provided by other law enforcement officers. Since this affidavit is submitted for the purpose of securing a complaint, it does not include every fact known to the Affiant concerning this investigation. The Affiant has set forth facts that he believes establish probable cause to believe that **ERIC SCOTT MCCANTS** has violated the provisions of Title 18, U.S.C., Section 2251(a) – Production of Child Pornography and Title 18, U.S.C., Section 2252A(a)(2) – Distribution of Child Pornography.

5. FBI Tulsa arrested an individual for posting “live” images in a predicated child pornography group within the social networking site Kik, that depicted a four-year-old child being sexually assaulted.

6. A review of the iPhone seized from the Tulsa individual revealed multiple Kik chat sessions in which the Kik username "rmcinnis77" was a participant. In a Kik chat session, conducted on or about July 23, 2021, "rmcinnis77" stated: "Sleeping with little one in my bed alone tonight should be fun" and then "rmcinnis77" posted an approximate five second video of a male's penis next to the face of a minor female, approximately six to eight years old, who appeared to be sleeping. "rmcinnis77" then distributed a video of the same minor female being ejaculated on by the adult male's penis.

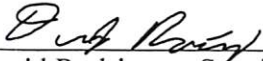
7. After Kik provided the IP logins related to "rmcinnis77," which resolved to **Eric McCants** on Crowley Creek, in San Antonio, Texas, the San Antonio Division of the FBI was asked to assist and obtained a search warrant for Eric McCants and his residence on Crowley Creek in San Antonio, Texas.

8. On August 12, 2021, FBI San Antonio executed the search warrant on Eric McCants and his residence on Crowley Creek in San Antonio. Eric McCants agreed to speak with federal agents and was made aware of the nature of the search warrant. McCants was shown the videos obtained by the FBI and identified the 6-year-old girl depicted in the videos. He also identified the penis depicted in the video as his and admitted using the six-year-old child to produce the videos of him placing his penis by her face and ejaculating on her and distributing them to others via the Kik application. The Kik application was located on McCant's Apple iPhone, as well as other sexual videos depicting the child.

9. Based on the aforementioned facts, your Affiant respectfully submits that there is probable cause to believe that on or about July 23, 2021, **ERIC SCOTT MCCANTS** did knowingly use a minor to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct and that such visual depiction has actually been transported

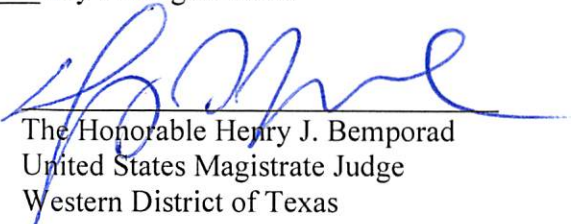
and transmitted using means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 2251(a).

FURTHER AFFIANT SAYETH NOT,



David Rodriguez, Special Agent
Federal Bureau of investigation

Sworn to and subscribed before me this 13th day of August 2021.



The Honorable Henry J. Bemporad
United States Magistrate Judge
Western District of Texas